

a' [0045] The processor 104 processes the audio and determines if the audio data is a foreground audio or a background audio, such as by using the background audio detector 143. The background audio detector 143 may apply a speech detection algorithm or a music detection algorithm to the audio data, in addition to an audio energy measurement. If the audio data does not contain speech or music above a predetermined energy threshold, then the background audio detector 143 determines that the audio data is background audio. The foreground/background audio determination may be performed in any manner, and may be based on a presence of speech or music. One embodiment of background audio detection is discussed in the co-pending patent application serial number 10/020,256 to the same inventor, and is incorporated herein by reference.

Remarks

Applicant respectfully requests that the foregoing preliminary amendment be entered prior to consideration on the merits.

Respectfully submitted,

By



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